



Entered on Docket  
September 23, 2011

Hon. Linda B. Riegle  
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Fifth Omnibus  
Objection Of USACM Trust To Proofs  
Of Claim Based In Whole Or In Part Upon  
Investment In The Del Valle Livingston  
Loan**

Hearing Date: August 30, 2011  
Hearing Time: 10:30 a.m.

The Court having considered the "Fifth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole Or In Part Upon Investment in The Del Valle Livingston Loan," ("Del Valle Livingston Loan") [DE 8537] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the

1  
2 disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to  
3 repayment by the borrower or from the collateral securing the Del Valle Livingston Loan;  
4 and good cause appearing:

5 **IT IS ORDERED** that:

6 1. The Objection [DE 8537] is sustained; and  
7 2. The claims listed on **Exhibit A** attached are disallowed in full to the extent  
8 those claims are based upon an investment in the Del Valle Livingston Loan.

9  
10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**  
12

13 By /s/ John Hinderaker (AZ #018024)

14 Robert M. Charles, Jr.

15 John Hinderaker (*pro hac vice*)

16 3993 Howard Hughes Parkway, Ste. 600

17 Las Vegas, Nevada 89169-5996

Telephone: (702) 949-8320

Facsimile: (702) 949-8321

18 *Attorneys for USACM Liquidating Trust*  
19

20

21

22

23

24

25

26

1                    LOCAL RULE 9021 CERTIFICATION  
23                    In accordance with LR 9021, counsel submitting this document certifies that the order  
4                    accurately reflects the court's ruling and that (check one):  
56                    \_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).  
78                    XXX No party appeared at the hearing or filed an objection to the motion.  
910                  \_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who  
11                  appeared at the hearing, and any unrepresented parties who appeared  
12                  at the hearing, and each has approved or disapproved the order, or  
13                  failed to respond, as indicated below [list each party and whether the  
14                  party has approved, disapproved, or failed to respond to the  
15                  document]:  
1617                  Counsel appearing: \_\_\_\_\_  
1819                  \_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a  
20                  copy of this order with the motion pursuant to LR 9014(g), and that  
21                  no party has objected to the form or content of the order  
22

14                  U.S. Trustee: _____	15 <input type="checkbox"/> approved the form of this order	16 <input type="checkbox"/> disapproved the form of this order
17 <input checked="" type="checkbox"/> waived the right to review the 18                  order and/or	19 <input type="checkbox"/> failed to respond to the document	20
21                  Other Party: _____	22 <input type="checkbox"/> approved the form of this order	23 <input type="checkbox"/> disapproved the form of this order
24 <input type="checkbox"/> waived the right to review the 25                  order and/or	26 <input type="checkbox"/> failed to respond to the document	

27                  Submitted by:  
28                  LEWIS AND ROCA LLP29                  By: /s/ John Hinderaker. (AZ #018024)  
30                  Attorneys for USACM Liquidating Trust31                  # # #  
32

**Del Valle - Livingston Loan  
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Del Valle - Livingston Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Del Valle - Livingston Loan
10725-01601	12/8/2006	Clark, Donald	305 W Moana Ln Reno, NV 89509	775,918.76	109,041.10
10725-00865	10/31/2006	Daraskevius, Joseph & Ardee	4191 Comstock Dr. Lake Havasu City, AZ 86406	275,000.00	50,000.00
10725-02063	1/11/2007	Dery, James D & Ann R Husband & Wife	10 Longmeadow Ln Beachwood, OH 44122	2,793,347.72	75,000.00
10725-02393	1/16/2007	Donald P Clark Family Trust	Donald P Clark Tee 305 W Moana Ln Ste C Reno, NV 89509	1,118,023.12	112,042.03
10725-00231	9/25/2006	Donald P Clark Family Trust Dtd 10/25/94	C/O Donald P Clark Trustee 305 W Moana Ln Reno, NV 89509-4924	709,011.56	100,000.00
10725-02282	1/12/2007	Elan Reddell Revocable Trust Dtd 8/4/03	Elan Reddell Trustee 6770 Hawaii Kai Dr #1006 Honolulu, HI 96825	659,407.30	50,000.00
10725-02382	1/16/2007	Essaff Family Trust Dtd 6/18/02	Robert & Cindy H Essaff Trustees 2860 Heybourne Rd Minden, NV 89423	3,198,368.02	200,000.00
10725-00801	10/30/2006	Freedom Properties Inc	18695 Oceanside Ln Monument, CO 80132	450,000.00	100,000.00
10725-02404	1/17/2007	Freedus Jt Ten, Eric B & Linda P	5008 Nighthawk Way Oceanside, CA 92056	608,838.00	50,000.00
10725-01862	1/8/2007	George W Hubbard Roth Ira	6340 N. Calle Tregua Serena Tucson, AZ 85750	156,125.00	25,000.00

**EXHIBIT A**